

U.S. Appln. No. 09/492,044
Reply to Office Action dated November 2, 2006**JAN 30 2007**PATENT
450100-02278**REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS.

Claims 1, 3-5 and 7-10 are pending. Claims 1 and 5, which are independent, are hereby amended. No new matter has been introduced. Support for this amendment can be found throughout the Specification as originally filed and specifically on pages 19-20 and 31-32. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Claims 1, 3-5 and 7-10 were rejected under 35 U.S.C. §101 as allegedly directly to non-statutory subject matter. Claims 1 and 5 are hereby amended thereby obviating the rejection.

II. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1, 3-5, 7 and 8 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,841,740 to Fijita, et al. (hereinafter, merely "Fijita") in view of U.S. Patent No. 5,440,737 to Uchinuma (hereinafter, merely "Uchinuma") and further in view of U.S. Patent No. 6,574,667 to Blumenau, et al. (hereinafter, merely "Blumenau").

U.S. Appln. No. 09/492,044
Reply to Office Action dated November 2, 2006

PATENT
450100-02278

Claims 9 and 10 were rejected under 35 U.S.C §103(a) as allegedly unpatentable over Fijita in view of Uchinuma and Blumenau and further in view of U.S. Patent No. 6,032,216 to Schmuck, et al. (hereinafter, merely "Schmuck").

III. RESPONSE TO REJECTIONS

Claim 1 recites, *inter alia*:

"A free storage space management apparatus...comprising:

wherein said control means selects the recording means having an unused port with the most free storage space greater than the storage space consumption amount,

wherein the control means generates a stream with a unique identifier upon successfully securing a recording area in the selected recording means, and

wherein said stream is discarded upon release of said free storage space and said unique identifier cannot be used again." (Emphasis added)

As understood by Applicants, Fijita relates to an apparatus for recording and reproducing information data using recording region data for reproduction with audio and video data.

As understood by Applicants, Uchinuma relates to a file-allocation control system for use in a computer system having disk units of different performances combined to allocate the temporary or permanent files associated with a user program to permit the user program to exhibit the fullest processing efficiency.

As understood by Applicants, Blumenau relates to a data network which includes a switch that links a number of host processors to shared resources such as network ports of a cached storage subsystem. The switch routes resource requests from its inputs to selected ones of its outputs in accordance with programmed routing information. The routing information is

U.S. Appl. No. 09/492,044
Reply to Office Action dated November 2, 2006.

PATENT
450100-02278

changed dynamically based on measured loading characteristics of requests from the switch inputs or the respective hosts, in order to reduce the probability of blocked paths.

Applicants respectfully submit that Fijita, Uchinuma and Blumenau, taken either alone or in combination, do not disclose the above features. Specifically, the combination of Fijita, Uchinuma and Blumenau does not teach or suggest a free storage space management apparatus comprising a control means wherein said control means selects the recording means having an unused port with the most free storage space greater than the storage space consumption amount, generates a stream with a unique identifier upon successfully securing a recording area in the selected recording means and wherein said stream is discarded upon release of said free storage space and said unique identifier cannot be used again, as recited in independent claim 1.

Furthermore, Schmuck fails to cure the above described deficiencies of Fijita, Uchinuma and Blumenau, as discussed above.

Therefore, Applicants submit that independent claim 1 is patentable.

For reasons similar to, or somewhat similar to, those described above with regard to independent claim 1, independent claim 5 is also believed to be patentable.

IV. DEPENDENT CLAIMS

The other claims are dependent from one of the independent claims, discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

U.S. Appln. No. 09/492,044
Reply to Office Action dated November 2, 2006

RECEIVED
CENTRAL FAX CENTER
JAN 30 2007

PATENT
450100-02278

CONCLUSION

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference or references, providing the basis for a contrary view.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By 
Thomas F. Presson
Reg. No. 41,442
(212) 588-0800